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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,643	01/28/2002	Anthony Nocella III	984	3850

7590 02/03/2003  
Law Offices of John D. Gugliotta, P.E., Esq.  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308

EXAMINER
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YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,643

Applicant(s)

NOCELLA, ANTHONY

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 10/058,643  
Art Unit: 3637

### DETAILED ACTION

This is a first office action for application Serial No. 10/058,643 filed January 28, 2002.

#### *Abstract Objections*

1. The abstract of the disclosure is objected to because it does not have 50 to 150 words. Correction is required. See MPEP § 608.01(b).

#### *Claim Objections*

2. Claims 1 and 7 are objected to because of the following informalities: the recited feature "an umbrella, said umbrella having" (line 2) is duplicated and should be canceled to avoid the confusion with the scope of "An umbrella" (line 1). Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell

'471.

Campbell shows and discloses an umbrella comprising a shaft (A) having a shaft lower end (10), the shaft being made of a methyl methacrylate resin or acrylic acid product, a handle section (B) affixed to the shaft lower end (10), illumination means affixed to the handle section for furnishing the rays of light which illuminate the shaft, said handle section having a cavity, said illumination means including a lamp (14) which may be an incandescent lamp as claimed

Application/Control Number: 10/058,643  
Art Unit: 3637

and a battery assembly (20) being housed within the cavity of the handle section, a series of threads formed along a lower rim of the handle, and a screw cap (30) having matching and receiving threads to mate with the threads of the lower rim of the handle for removably containing the batteries within the handle section.

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tatsumi (US Patent No. 5,848,831).

Tatsumi shows and discloses an umbrella comprising a shaft (2) having a shaft lower end, a handle section (3) affixed to the shaft lower end, illumination means affixed to the handle section for furnishing the rays of light which illuminate the shaft, said handle section having a cavity, said illumination means including light source which may be a visible ray LED (7) or a bulb (12) which could be an incandescent lamp as claimed and a battery assembly (4 and 5) being housed within the cavity of the handle section, and the shaft being made of hard synthetic resin which could be a light permeable colorless translucent, or colored transparent, or milky white transparent tube such as neon-colored tube as claimed through the entire shaft (2) or spaced apart members (27) that circumscribing the shaft for transmitting rays of light.

#### *Citations*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy '805, Tu '624, Chou et al. '536, Andreasen '922, and Japanese Patent No. 2001-62522 teach various umbrellas having a battery assembly housed within a handle section and illumination on a shaft portion as similar to the claimed invention. Hunnicutt, Jr. et al. '704 and

Application/Control Number: 10/058,643

Art Unit: 3637

Young '466 teach various apparatus comprising a battery assembly and an illumination means as similar to the claimed invention and being disposed within a shaft.

***Inquiry Contacts***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Winnie Yip  
Examiner  
Art Unit 3637

wsy  
January 27, 2003